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Remarks

Applicants have received the Office Action mailed March 9, 2006. Claims 11, 12, and 19 have been amended and new claims 20-22 have been added. Support for the amendments is found in the specification, claims, and drawings as originally filed. No new matter has been added. Favorable reconsideration is respectfully requested in view of the above amendments and the following comments.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 13 and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 13 and 19 have been rewritten in independent form as new claims 21 and 22. New claims 21 and 22 are thus believed to be allowable.

Rejection under 35 U.S.C. § 102(b)

Claims 11, 12, 17, and 18 are rejected as being anticipated by Zacca et al. (US 5,308,354). Applicants respectfully traverse the rejection. Independent claim 11, as amended, recites in part an atherectomy apparatus having an atherectomy element that operates by rotation and a measurement device for measuring changes in the atherectomy device, wherein the measurement device measures sound or the torque of the shaft. Zacca et al. do not appear to teach such a device. Zacca et al. teach a rotational atherectomy device in which the rotational speed is monitored by a conventional tachometer. See column 7, lines 56-57. Applicants submit that a tachometer measures speed of rotation and would not appear to measure either the torque of the shaft or sound, as is now recited in independent claim 11. Zacca et al. thus fail to teach each and every element of the claim. Dependent claims 12, 17, and 18 recite additional patentably distinct elements and are thus also believed to be distinguished from Zacca et al. Further, there is no motivation for one of ordinary skill in the art to modify the device of Zacca et al. to achieve the claimed device. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 14-16 are rejected as being unpatentable over Zacca et al. in view of Valley et al. (US 5,795,325). Applicants respectfully traverse the rejection. For at least the reasons set forth above, Zacca et al. fail to teach or suggest the basic elements of independent claim 11, from which claims 14-16 depend. Valley et al. do not appear to teach or suggest what Zacca et al. lack.

Valley et al. do not appear to teach a measurement device for measuring sound or the torque of a shaft. Valley et al. appear to be directed to a device and methods for anchoring an occluding member and teach measuring the pressure with pressure sensors on both sides of a balloon. See column 7, lines 8-43. Neither Zacca et al. nor Valley et al. teach or suggest each and every element of independent claim 11 or claims 14-16 dependent thereon. Thus a combination of Zacca et al. and Valley et al. also fails to teach the elements of the claims. Reconsideration and withdrawal of the rejection are respectfully requested.

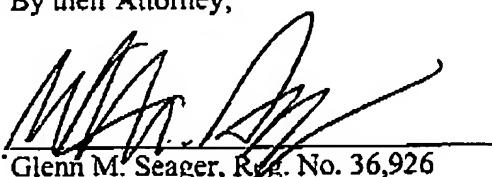
Applicants respectfully submit that all pending claims, namely claims 11-22, are in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference may be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully submitted,

HANS JURGEN TIEDTKE ET AL.

By their Attorney,

Date: July 7, 2006



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